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6 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

7 JOHN LEONARD CALVERT,

8 Petitioner,

9 v.

10 CHARLIE DANIELS and ROB
11 MCKENNA,

12 Respondents.
13

NO. CV-05-077-RHW

**ORDER DISMISSING PETITION
FOR HABEAS RELIEF**

14 Before the Court is Mr. Calvert's Petition for Habeas Relief pursuant to 28
15 U.S.C. § 2254 (Ct. Rec. 1). This matter has had a long procedural history
16 consisting of multiple extensions and opportunities to amend. The Court's most
17 recent Order, filed on October 25, 2006, gave Mr. Calvert time either to (1) amend
18 his petition to include only his exhausted claim, clearly presenting and supporting
19 with documentation his Petition for Writ of Habeas Corpus; or (2) move again for a
20 stay and abeyance by (a) showing good cause for his failure to exhaust his
21 remaining claims in state court, (b) demonstrating that these claims are not plainly
22 meritless, and (c) demonstrating that he has been diligent in his pursuit of *state*
23 *court* remedies. (Ct. Rec. 57, at 3).

24 Mr. Calvert has since corresponded with the Court several times. He
25 submitted several documents showing his progress in the state court system, and he
26 updated the Court on his changes of address and his receipt of legal materials. (Ct.
27 Recs. 58, 59, 60, 61, 62, & 63). In his last correspondence with the Court,
28 received and filed on March 15, 2007, Mr. Calvert gives his new address and states

1 his legal work is in his possession. The Court has not received anything from Mr.
2 Calvert since that time. Mr. Calvert has not amended his Petition, nor has he
3 satisfied all three of the requirements necessary for this Court to grant him a stay
4 and abeyance. In particular, he has not shown good cause for failure to exhaust,
5 nor has he demonstrated that his unexhausted claims are not plainly meritless.
6 Therefore, as the Court has given Mr. Calvert more than adequate opportunity to
7 comply with its prior Orders and he has failed to do so, the Court dismisses his
8 habeas petition with prejudice.

9 Accordingly, **IT IS HEREBY ORDERED:**

10 1. Petitioner John Leonard Calvert's Petition for Writ of Habeas Corpus (Ct.
11 Rec. 1) is **DISMISSED with prejudice**.

12 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
13 Order and forward copies to counsel and Petitioner and to **close the file**.

14 **DATED** this 11th day of February, 2008.

15 *S/ Robert H. Whaley*

16 **ROBERT H. WHALEY**
17 Chief United States District Judge

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